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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,696	02/15/2002	Olivier Brique	16673-6	4633
7590	04/22/2005		EXAMINER	
Clifford W Browning Woodard Emhardt Naughton Moriarty & McNett Bank One Center Tower 111 Monument Circle Suite 3700 Indianapolis, IN 46204-5137			ALAM, SHAHID AL	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 04/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/049,696	BRIQUE ET AL.	
Examiner	Art Unit		
Shahid Al Alam	2162		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 April 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 27-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 27-39 is/are rejected.  
7)  Claim(s) 27, 32 and 37 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The request filed on April 8, 2005 for a Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 27 – 39 are pending in this Office action.

### ***Claim Objections***

3. Claims 27, 32 and 37 are objected to because of the following informalities:  
It is not clear to the examiner as to which portion of these claims is preamble and which portion is body of the claim.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.  
Claims 27 – 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "A method" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "A system" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "An advanced language interpreter" in claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27 – 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Claims 27 - 39, in view of the above-cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. The use of a computer has not been indicated.

These claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable. The use of a computer is not evident in the claim. MPEP 2106.IV.B.1(a) refers to “computer-readable” medium with computer program encoded on it.”

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 27 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0491069 A1 issued to Tullio Pirovano et al. ("Pirovano") and in view of Yasuaki Yamagishi ("Yamagishi").

With respect to claim 27, Pirovano teaches a method for transmitting identical messages without specific database addressing for updating databases that are transmitted from a managing center to a plurality of distributed user databases, comprising providing said message from the managing center with controls that include queries for searching the content of distributed database for predetermined data, and

for updating of distributed user databases according to criteria that determines whether said predetermined data is either present or not present in the content of the distributed user database (see abstract and page 2, lines 47 – 54). Pirovano teaches Broadcaster (2) and Broadcast Transmission unit (3) which represents managing center where updating of database take place (see Figure 1). Pirovano does not explicitly teach conditional updating of the database as claimed.

Yamagishi teaches a server structures at least update report data and transmits the update report data over a unidirectional broadcasting network enabling broadcast and contents of the database are updated with the distributed data (see abstract, column 1, lines 52 – 62 and column 6, lines 59 – 67) and conditional updating of the database (see Figure 11, column 15, lines 19 – 45).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Yamagishi with Pirovano to enable quick and efficient distribution of data (column 1, lines 49 – 50; Yamagishi).

As to claim 28, the connection between the managing centre and the databases is mainly unidirectional (page 2, lines 1 – 2).

As to claim 29, distributed user databases are integrated in Pay-TV reception subscriber's units and wherein the predetermined data comprise the reception rights of a subscriber (page 2, lines 29 – 39; Pirovano and column 7, lines 1 – 11; Yamagishi).

As to claim 30, the updating messages comprise a set of control-blocks comprising data and controls, and wherein said updating messages consist of carrying out comparison operations between the data and the contents of the distributed user database (Pirovano: page 6, line 34 – 39) and determining an action depending on the comparisons results, either to update the database, carry out the subsequent control block, to jump to another control block, or to terminate the message handling (Pirovano: page 5, lines 4 – 9).

As to claim 31, the database is divided or is of the relational type RDB (Yamagishi teaches database and distribution of data (column 1, lines 52 – 62 and column 6, lines 59 – 67).

Claims 32 – 36 are essentially the same as claims 27 – 31 except that it set forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

Claims 37 – 39 are essentially the same as claims 27 – 31 except that it set forth the claimed invention as an advanced language interpreter rather than a method and rejected for the same reasons as applied hereinabove.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shahid Al Alam  
Primary Examiner  
Art Unit 2162

16 April 2005